

Parcel No. 14
Project: Big 3 Sewer Project

State ID No. 79-02-36-200-009.000-023
Tax Key No. 134-08400-0391

RIGHT OF ENTRY

WHEREAS, AMERICAN SUBURBAN UTILITIES, INC. ("ASU"), is in the process of beginning the construction work in the area of the property described in Exhibit "A" which is attached hereto, incorporated by reference, and made a part hereof, which project will require acquisition of easement across certain lands owned by the City of West Lafayette, Indiana, ("Owner") in Tippecanoe County, Indiana; and

WHEREAS, it is desirable that such construction be commenced as rapidly as possible, but that ASU has not yet been able to finalize a purchase from the Owners, and as it is the desire of the parties to resolve said matter without the necessity of litigation, if possible, and not commence an action to acquire said property by right of Eminent Domain; and

WHEREAS, all parties agree that it is desirable that the construction of the project not be delayed.

NOW THEREFORE, be it agreed by and between ASU and the Owner, that for and in consideration of the benefits that may be derived by both parties by an extended period in which to resolve questions and complete necessary work that the undersigned, hereby grants a right of entry on and across its lands, as described as the proposed easement in Exhibit "A" which is attached hereto, incorporated by reference, and made a part hereof, as affected by the above project.

That this right of entry shall permit ASU, its employees, agents and contractors to enter upon the above described lands, of Exhibit "A", of the Owner and to proceed with the construction of the project and to do such acts thereon as would be permitted if the easement had actually been obtained.

The Owner reserves to itself and its successors in title and assigns the right to use the real estate located within the Right of Way for any purpose which is not inconsistent with the use of the Right of Way herein granted. Owner shall not plant any trees or erect any permanent structures or buildings in such Right of Way which obstruct the permitted use of the Right of Way.

American Suburban Utilities, Inc., its agents, servants and employees, contractors, successor and assigns, shall have the right and authority to enter at all times upon said Right of Way premises for the purpose authorized in this Right of Way. American Suburban Utilities,

Inc. agrees that it will promptly restore said premises as near to the original condition as possible after both the installation and any subsequent maintenance and repair of the same. In the event ASU causes damages to field tiles, crops, storm drainage, fences, and other improvements as a result of ASU's use of the Right of Way, ASU shall repair or replace such damages at ASU's sole expense. Any structures located in the easement after initial construction of the sewer, which structures obstruct access to the sewer or which must be removed or damaged for maintenance to the sewer, may be removed or damaged by ASU without any resulting obligation to repair or replace such obstructing structures.

That the Owner does not waive any right to make claim for any damages for any acts or any take of land which would normally be the basis for an action.

IN WITNESS WHEREOF, the Owner has executed this Right of Entry, this _____ day of _____, 2014.

APPROVED:

DATE: _____

SAFETY

CITY OF WEST LAFAYETTE
BOARD OF PUBLIC WORKS AND

John R. Dennis, Mayor

Sana G. Booker, Member

Shawn R. Little, Member

Bradley W. Marley, Member

Attest:

Jonathan C. Speaker, Member

Clerk-Treasurer Judith C. Rhodes

GRANTEE'S ADDRESS: 3350 W. 250 N., West Lafayette, Indiana 47906

This instrument prepared by: American Suburban Utilities, Inc., 3350 W. 250 N., West Lafayette, IN 47906, (765) 463-3856.

Legal Description of Permanent Easement

LEGAL DESCRIPTION – City of West Lafayette (Document No. 91-13870; Key No. 134-08400-0391 (79-02-36-200-009,000-023))

Sanitary Sewer Facilities Easement

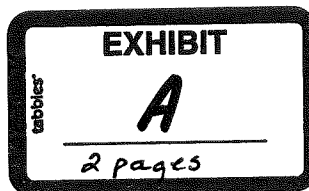
An easement for sanitary sewer facilities in the Northeast Quarter of Section 36, Township 24 North, Range 5 West, Wabash Township, Tippecanoe County, Indiana, said easement being 40-feet in even width, approximately centered on a sanitary sewer, and being more completely described as follows, to-wit:

Commencing at the northeast corner of Section 36-24-5 marked by a Berntsen A1NB aluminum monument; thence along the north line of the northeast quarter of said section, North 89°42'37" West, 1979.88 feet to a corner (near the intersection of County Roads 140 West and 500 North) of the Schroeder Land Trust property as described in Document No. 96-15666 in the Tippecanoe County Recorder's Office; thence along the east line of said Schroeder Land Trust property and the east line of the City of West Lafayette property (1.47-acre tract) as described in Document No. 91-13870 in said recorder's office for the following two (2) courses: (1) South 00°20'05" East, 558.36 feet to the point of beginning; (2) South 00°20'05" East, 40.06 feet; thence South 86°27'46" West, 62.95 feet; thence South 65°38'29" West, 144.95 feet to the south line of said City of West Lafayette property; thence along the south line of said City of West Lafayette property, North 89°44'14" West, 96.01 feet to the northwest corner of the Rogers property as described in Document No. 02-031965 in said recorder's office; thence North 65°38'29" East, 239.58 feet; thence North 86°27'46" East, 72.53 feet to the point of beginning, said easement containing 0.239 acres, more or less.

All of said easement lies within the legal drain easement for Hadley Lakes Legal Drain/Cole Ditch.

Approximately 0.011 acres of said easement also lies within the gravel pavement (possible apparent right-of-way) for County Road 140 West.

Approximately 0.170 acres of said easement also lies within the 100-year floodplain per Flood Insurance Rate Map Number 18157C0131D dated September 25, 2009.



Legal Description of Temporary Easement

LEGAL DESCRIPTION – City of West Lafayette (Document No. 91-13870; Key No. 134-08400-0391 (79-02-36-200-009.000-023))

Construction Easement

An easement for sanitary sewer facilities in the Northeast Quarter of Section 36, Township 24 North, Range 5 West, Wabash Township, Tippecanoe County, Indiana, said easement being more completely described as follows, to-wit:

Commencing at the northeast corner of Section 36-24-5 marked by a Berntsen A1NB aluminum monument; thence along the north line of the northeast quarter of said section, North 89°42'37" West, 1979.88 feet to a corner (near the intersection of County Roads 140 West and 500 North) of the Schroeder Land Trust property as described in Document No. 96-15666 in the Tippecanoe County Recorder's Office; thence along the east line of said Schroeder Land Trust property and the east line of the City of West Lafayette property (1.47-acre tract) as described in Document No. 91-13870 in said recorder's office for the following two (2) courses: (1) South 00°20'05" East, 558.36 feet; (2) South 00°20'05" East, 40.06 feet; thence South 86°27'46" West, 11.75 feet to the west edge of gravel pavement of County Road 140 West and the point of beginning; thence along said west edge of gravel pavement, South 00°01'21" West, 63.78 feet to the south line of said City of West Lafayette property; thence along the south line of said City of West Lafayette property, North 89°44'14" West, 183.12 feet; thence North 65°38'29" East, 144.95 feet; thence North 86°27'46" East, 51.19 feet to the point of beginning, said easement containing 0.164 acres, more or less.

Approximately 0.027 acres of said easement lies within the 100-year floodplain per Flood Insurance Rate Map Number 18157C0131D dated September 25, 2009.